

CALIFORNIA COASTAL COMMISSION

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December 21, 2001

**M 13a****MEMORANDUM:**

TO: Commissioners and Interested Parties

FROM: Deborah Lee, Deputy Director
Teresa Henry, District Manager, South Coast District
Pam Emerson, Los Angeles County Area Supervisor
Al Padilla, Coastal Program Analyst

SUBJECT: Major Amendment Request No. 01-01 to the Los Angeles County Marina del Rey certified Local Coastal Program (for public hearing and Commission action at the January 15-18, 2001 meeting in Los Angeles).

SUMMARY OF LUP AMENDMENT REQUEST

On February 26, 2001, Los Angeles County submitted a request to amend the County of Los Angeles Marina del Rey certified Local Coastal Program (LCP). Proposed LCP Amendment No 1-01 would change the Land Use Plan and Land Use Map, and the Specific Plan, which is part of the Implementation Plan, and contains the zoning maps and development standards, applying to Parcel 20, from Marine Commercial-Waterfront Overlay Zone to Residential IV-Waterfront Overlay Zone. The amendment would also authorize the transfer of 97 potential development units from Development Zone 1 (Bora Bora Development Zone) to Development Zone 4 (Panay Development Zone). Development Zones and associated development units are established in both the Land Use Plan policies related to public shoreline access and traffic impacts, the related Specific Plan Policies and the traffic related appendices of the Specific Plan. Development units are related to impacts on street capacity.

The development unit transfer would transfer potential development credit (trips allowable in the County's trip generation limits). It would change the allocation of allowable new automobile trips without changing the plan's limits on total new peak hour trips allowed to be generated by new development approved under the LCP.

On April 30, 2001, Commission staff determined that the County's submittal was complete. On July 10, 2001, the County and the Commission agreed to extend the 90-day time limit for consideration of the amendment to the total LCP.

By changing the designation of Parcel 20, the amendment would reduce the amount of land in the Marina that is limited to Marine Commercial use and would allow additional residential use. However, the new designation that would be applied to Parcel 20 (Residential IV, WOZ) does not eliminate the potential of some recreation or visitor serving use of the parcel because the Waterfront Overlay Zone (WOZ) would still apply to

the parcel. The Waterfront Overlay Zone designation allows, but does not require, the development of hotels, visitor serving uses or boat storage in addition to the uses designated as the primary permitted uses for the parcel. The WOZ overlay protects existing uses related to boating or recreation by requiring that, whenever such a use related to boating or recreation, or boating or public access is removed anywhere within the WOZ, another facility of equal size and capacity, and with the same ability to carry out its purpose, must be constructed to replace it – either on the parcel from which it came, or elsewhere in the Marina. The replacement facility must be constructed before the demolition of the old facility.

The Marine Commercial Designation allows boat launching and storage, bait and tackle sales, bicycle rights of way, boat and marine sales, service, rental, charter and repair, boat storage, ferries, hoists, parking, sales of marine supplies and as a service to boaters, sales of food and sundries. Office uses related to boating are permitted as a conditional use. The Marine Commercial Designation does not permit residential use. Presently, 12 parcels in the Marina del Rey are designated Marine Commercial. According to County sources, "31.32 acres or 10.68% of the 293.2 acres of the Marina del Rey land area leased to the private sector under long term ground leases"¹ are designated Marine Commercial.

The Residential IV Designation allows 45 dwelling units per acre. Heights and development standards vary according to the location of the parcel. Because this parcel is proposed to continue to have a WOZ overlay, visitor serving and marine commercial uses will continue to be permitted, and, if they already exist, will be protected.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends the Commission **DENY** the LCP amendment for the Marina del Rey segment as submitted because the proposed amendment will reduce the amount of land area designated for boating oriented use but will not provide any additional land area for boating, or alternatively, for other kinds of public recreation. Moreover, the change in the LCP removes a coastal dependent use from the LCP and replaces the use with residential use, which is not coastal dependent.

Staff is also concerned that this change represents a piecemeal change to land use designations that is premature when two other processes that may involve reevaluation of land uses in Marina del Rey are underway: These processes are the periodic review of the Marina del Rey local coastal program, and a series of other amendments based on the Marina del Rey Asset Management Strategy, which the Board of Supervisors adopted in 1997.

The Commission has recently entered into a settlement agreement with the Coalition to Save the Marina, Inc., to conduct a periodic review of the County's LCP, pursuant to

¹ James Hartl, April 26, 2001, Letter: "Analysis of Marina del Rey Marine Commercial designated Parcels in support of County-certified LCP Amendment Request for Marina del Rey Parcel 20: Los Angeles County Project No. 98 172-(4)[Goldrich and Kest LLC project applicant.] Figures later revised to reflect actual acreage of California yacht club.

Section 30519.5 of the Coastal Act. Commission staff has just recently begun the periodic review process for the County's LCP. At this time, without the full review of the County's LCP and future development plans for the marina, it is difficult to determine what impact the proposed amendment would have on remaining marine commercial and visitor-serving zoned parcels within the marina. Reviewing the County's comprehensive future development plans for the marina through the periodic review could help in determining the need and location for marine commercial and recreational areas. Until the next generation of development has been considered and the details of accommodating displaced uses is worked out, the Commission finds that it is premature to convert 2.2 acres, of Marine Commercial to a non-coastal dependent, non recreational use.

Two years after the Commission certified the Marina del Rey Local Coastal Program, and after accepting the suggested modifications, the Los Angeles County Board of Supervisors adopted a policy document entitled the "the Marina del Rey Asset Management Strategy." This document established the County's priorities for extending or renegotiating leases in the Marina del Rey. Its purpose was economic development. The location and types of land uses shown in the Asset Management Strategy are not consistent with the land uses and development standards in the certified Marina del Rey Local Coastal Program. It would be necessary to amend the LCP in order to carry out the Marina del Rey Asset Management Strategy, or rethink the Asset Management Strategy to bring it into consistency with the certified Local Coastal Program. While many of the proposed changes are visitor-serving, they will pose important questions in terms of the effect on the day-use capacity of the Marina del Rey and on the character and scale of the community.

Staff therefore also recommends denial because the amendment represents a piecemeal approach to adopting the land use changes. Approving changes in land use is premature before a comprehensive evaluation can take place. Moreover, because the proposed changes in the Specific Plan are inconsistent with the currently certified Land Use Plan policies and use designations, the proposed changes to the Specific Plan are inconsistent with and inadequate to carry out the policies of the certified Land Use Plan.

The motions to carry out the staff recommendation are found on **page 10 and 11** of the staff report.

ADDITIONAL INFORMATION

The matter is scheduled for Public Hearing and Commission Action at the meeting of January 9, 2002 at Los Angeles, California. For further information, please contact Al Padilla or Pam Emerson at the South Coast District Office of the Coastal Commission, at (562) 590-5071. Copies of the proposed amended Land Use Plan and Implementation Ordinances are available at the Commission offices or from Aaron Clark at the Los Angeles County Department of Regional Planning (213)-974-6417.

STANDARD OF REVIEW:

The standard of review for the proposed Land Use Plan amendment, pursuant to Coastal Act sections 30512(c) and 30514(b), is its consistency with the policies of Chapter 3 of the Coastal Act. Sections 30513 and 30514(b) of the Coastal Act establish the standard of review for an amendment to an Implementation Plan. The standard of review for the proposed amendment to the Marina del Rey Specific Plan (LIP) is its conformance with and adequacy to carry out the provisions of the certified Land Use Plan for the Marina del Rey segment of the Los Angeles County Local Coastal Program.

STAFF NOTE ON THE MATTER BEFORE THE COMMISSION

The matter before the Commission is the LCP amendment only: (1) the change in Land Use designation and zoning of Parcel 20 from Marine Commercial to Residential IV, and (2) the reallocation of 97 development units from Development Zone 1 (Bora Bora Development Zone) to Development Zone 4 (Panay Way Development Zone). Along with its approval of the proposed LCP amendment, the Los Angeles County Planning Commission approved a coastal development permit for development proposed on Parcel 20. The Planning Commission approved CDP 98-172-(4) contingent on the certification of the LCP amendment. The coastal development permit would allow construction of 99 apartments over two levels of parking, a yacht club, 59 open parking spaces, and a small office on the top deck of a 35-foot high, five-level, 172 car parking garage. The coalition to save the Marina appealed this related coastal development permit on December 4, 2000. The applicant for the CDP has waived time limits pending consideration of the County's proposed LCPA. The Commission will consider the appeal, A-5-MDR-00-478, after its decision on the LUP and zone change that is necessary to allow residential development on this parcel. The proposed development is not before the Commission in this LCPA action. The Commission will consider the appeal of the coastal development permit at a later meeting.

The County's LUP and LIP, which includes the Specific Plan, are parallel planning documents. Generally, when a change to one is proposed, a corresponding change is required for the other. As is usually the case, in this amendment, changes to the LUP require changes to the corresponding implementation ordinances in the LIP. The County submitted amendment includes changes to the LUP and LIP.

The questions before the Commission are (1) whether the Commission can approve this change in isolation, without reducing its options when it evaluates the asset management plan (The County's asset management plan includes a number of future projects that the County is planning for the marina and is in the process of renegotiating leases based on the asset management plan. These projects will require LCP amendments); (2) whether the change in designated land use in the LUP is consistent with the Coastal Act, (3) whether the reallocation of development units from one development zone to another is consistent with the Coastal Act, and (4) whether reallocation of traffic generating units among development zones is consistent with and adequate to carry out the policies of the certified LUP that limit the total amount of traffic that can be generated by new development in the Marina, and allocate it among 15 development zones. Finally, with

respect to each of these changes to the LUP, the Commission must consider whether the proposed changes in the Specific Plan and other implementing ordinances are consistent with and adequate to carry out the certified Land Use Plan. The proposed changes to the Specific Plan correspond to the changes in the Land use plan. The proposed changes in the Specific Plan can only be approved if corresponding changes to the certified Land Use Plan are approved first.

SUMMARY OF PUBLIC PARTICIPATION:

Section 30503 of the Coastal Act requires public input in Local Coastal Program development. It states:

During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.

In this case Los Angeles County combined hearings on the entitlements required for the development proposed on this parcel with its action on the LCP amendment. The County processed a Mitigated Negative Declaration, a Conditional Use Permit, a variance and a coastal development permit at the same time as it processed this LCPA. The development approved by the Planning Commission is described as:

Coastal development permit conditional use permit and variance case nos. 98-172-(4) Phase I) A 56 foot tall, 99-unit apartment building (49 one-bedroom and 50 two-bedroom apartment units) over two levels of parking (200 parking spaces total); (Phase II) a 35 foot tall, five-level structure (two levels to be constructed below grade containing 231 parking spaces, 2,300 square feet of professional office space, and an approximately 6,025 square foot yacht club with 200 parking spaces and a three-story 6,885 sq. ft. building with 163 parking spaces. [Staff note: There is a 28% view corridor based on the total street frontage, which will accommodate some parking.]

In 1998, the Los Angeles County Department of Beaches and Harbors approved a preliminary lease to Goldrich Kest industries for Parcels 20 and 21. County staff indicates that the terms of the tentatively approved lease of Parcel 20 are confidential. It is the County's practice not to execute a lease that requires a zone change or other entitlements until all entitlements are granted. The tentatively approved lease includes all of Parcel 20, which is currently developed with Trade Winds Marina, a 157 slip Marina and the responsibility to maintain parking and access to that Marina.²

² In response to a question concerning lease terms, Roger Moliere, senior officer of the Department of Beaches and Harbors stated: "It is our practice not to present the final lease or option agreement for approval by the Board until a proposed project has gone through the regulatory process so that any changes in the project required by regulatory authorities, including the Regional Planning Commission and

On October 15, 1998, the Small Craft Harbors Design Review Board held hearings concerning the design and scale of the initial proposal by Goldrich and Kest to construct 95 luxury units on this parcel and to also relocate a 60 unit luxury senior citizen development that had been previously approved on Parcel 18 to Parcel 20. The applicant also proposed to replace the yacht club and boater parking. The Design Review Board discussed the conformity of the project with the height and view corridor standards of the certified LCP and also informed the applicant an LCP amendment would be required. On October 29, 1998 after a second hearing, the Design Review Board granted an approval that was valid for one year, requiring the applicant to return after approval of the coastal development permit.

The applicant submitted a proposal to the Los Angeles County Department of Regional Planning for a coastal development permit, a Mitigated Negative Declaration and an LCP amendment. The Planning Commission provided notice to interested parties, owners, and occupants within 500 feet. It held six hearings on this LCP amendment and the related coastal development permit application. During that time most changes related to the project that was subject to the related coastal development permit application.. (The applicant reduced the number of units, reduced the lateral extent of the structures, removed an earlier proposal to relocate an approved 65 unit building from Parcel 18, expanded the yacht club and yacht club parking, applied for a yard variance and secured 97 residential development units from leaseholders in the Bora Bora Development Zone. The applicant provided a written revised project description incorporating these changes.) There was considerable opposition before the Planning Commission; many people testified and more corresponded on the issue. The public objected on grounds of impacts on traffic, on boating and on the community character of the Marina del Rey.

The Planning Commission approved the LCPA and Mitigated Negative Declaration and the related variance, Conditional Use Permit and Coastal Development Permit on August 30, 2000. In approving the change of use and the development unit transfer, the Los Angeles County Planning Commission made findings in support of its action. In addition, the Planning Commission made findings concerning the final projects' conformity to LCP

Coastal Commission) can be incorporated in the lease and the lease document does not have to return to the Board for amendments to comply with regulatory issues, once the Board has approved same.

It is, however, our practice to fully negotiate all of the language in the documents, pending such approvals by the various regulatory agencies. Therefore, although the Parcel 20 Amended Lease and Option has not yet been presented in public session to the Board, we do have a fully completed set of documents, subject to regulatory and Board final approval. The full construction requirements that are part of the draft lease requirements, and were made a part of lessee's submission to Regional Planning, demonstrate the replacement of all existing parking and full parking for all added uses and square footage.

To answer your question directly then, the draft lease does, and the final lease will require that all marina and commercial tenant parking be maintained, as well as to require new residential parking per code. Additionally, we have required that the lessee, as a condition precedent to demolition of the existing commercial building, enter into a new sublease with the current yacht club tenant, offering at least the same amount of space as the yacht club now occupies under its current lease and at a lowered commercial rate, based on a percentage of construction cost for the new square footage. We have thus attempted to additionally protect the marine commercial uses on the parcel while allowing the construction of new slips and yacht club space - maintaining all parking for those uses."

public access, public recreation, view corridor, promenade and traffic mitigation policies, that addressed land use issues and supported the changes in the LCP land use designations and the changes in the LCP traffic policies (reallocating traffic generation limits, “units”), among Development Zones. The following are the most relevant of the Planning Commission’s findings and conclusions concerning the LCP amendment (See Exhibit No. 13 for complete findings):

- (15) The subject parcel is located near the end of the Panay Way mole road. Most commercial uses in the Marina do not make good neighbors in residential areas and do not succeed financially. As evidence of this fact, there has been a long succession of failed restaurants and underachieving stores on the Marina’s mole roads. Commercial uses, alternatively, perform better in the Marina when they can be seen and found along major thoroughfares, such as Via Marina, Admiralty Way and Fiji Way [the ring roads].
- (16) The subject parcel is presently underutilized and is bordered to the east and south by parcels developed with multi-family residential uses. As such the proposed residential use would be consistent with development in the vicinity of the project site.
- (17) Increased demand for housing within the region and Marina del Rey, affordable senior housing in particular, justifies the plan amendment from marine commercial WOZ to Residential IV ³
- (18) The Water Overlay Zone designation is intended to provide additional flexibility for development of coastal related and marine dependent land uses, primarily on waterfront parcels.
- (19) The requested amendment is consistent with Water Overlay Zone development standards specified in the certified LCP in that it does not contemplate development that would displace existing public recreation visitor serving or coastal dependent boating uses.
- (20) The proposed transfer of the development allocation among different Development Zones is consistent with the certified LCP in that it will neither result in additional development as contemplated in the certified LCP nor result in additional traffic impacts as contemplated in the certified LCP.
- (35) Consistent with policy No 3 of Chapter 3 (“Recreational Boating”) of the certified Marina del Rey land use plan, the project ensures that replacement of existing boater support and marine commercial uses on Parcel 20 will occur prior to development of the use which displaces them (i.e., construction of project Phase II) may commence.

The Planning Commission conditionally approved the revised project, the LCP amendment and Mitigated Negative Declaration on August 30, 2000. The permit actions were not appealed to the Board of Supervisors. Instead, the opponents appealed coastal development permit 98-172-4 to the Coastal Commission. It is possible to appeal the coastal development permit directly to the Coastal Commission because the County imposes a fee to file an appeal with the Board of Supervisors (Section 13573(2), California Code of Regulations.)

³ The project is not an affordable housing project, but was conditioned by the County to include no fewer than 10% affordable units, see finding 39. .

The Mitigated Negative Declaration and the LCP amendment were automatically elevated to the Board of Supervisors. On January 23, 2001, the Los Angeles County Board of Supervisors held a hearing on the proposed amendment to the Local Coastal program and on the Mitigated Negative Declaration. No interested persons testified. In its resolution of approval, the Board found that the LCP amendment "is consistent with the goals policies and programs of the County General Plan, including the Marina del Rey Local Coastal Program elements." The Board adopted many of the Planning Commission's findings verbatim, including PC findings 15, 16, 17 and 20 quoted above. Additional Board findings pertinent to the LCPA included:

- (9) Surrounding land use categories in the vicinity of Parcel 20 include Residential III, which permits 35 units per acre, to the east; Residential IV which permits 45 units per acre to the south; and Marine Commercial, which provides for coastal dependent and or coastal related uses to the west. Parcel designations located northerly of Parcel 20 and across Small Craft Harbor Basin E include Marine Commercial and Residential III.
- (11) The requested amendment would transfer 97 dwelling units from Bora Bora Development Zone, which has a total allocation of 610 dwelling units to Panay Development Zone which currently has a development allocation of 182 dwelling units and 15 congregate care units. The traffic and lighting division of the County Department of Public Works has reviewed the unit transfer and has determined that it will not impact traffic or circulation patterns within or outside the Marina.
- (18) Consistent with Sections 30250 and 30251 of the California Coastal Act and Chapter 8 ("Land Use Plan") of the Marina del Rey Land Use Plan, the subject parcel is located within, contiguous with or in close proximity to existing developed areas able to accommodate the uses allowable under the proposed local coastal program amendment. In addition the proposed use is designed to protect views to and along the ocean and scenic coastal areas, to minimize alteration of natural land forms and to be visually compatible with the character of the surrounding areas, and to enhance visual quality.
- (30) In conformance with Sections 30210 and 30212 of the California Coastal Act and Chapter 1 ("Shoreline Access") of the Marina del Rey Land Use Plan, the proposed Local Coastal Program Amendment would provide for public pedestrian access and ensure passive recreational use to and along all portions of the Parcel 20 bulkhead.
- (34) The subject property is located in a seismic hazard zone. Based on information resulting from studies conducted on sites in the immediate vicinity, of the subject property and of similar soil composition to the subject property, a geotechnical report is not required to define and delineate any potential seismic hazards, and the requirement for such geotechnical report is waived pursuant to section 2697 of the California Public Resources Code. The applicant has agreed to provide a geotechnical report prior to approval of any building permit for

development of the subject property in conformance with the proposed Local Coastal Program amendment.

Mitigation measures included requirements for enforcement of height, view corridor, public access, traffic mitigation and water quality requirements of the certified LCP. (See Exhibit No. 9)

LIST OF EXHIBITS

1. Location map
2. Map of Marina del Rey
3. Map of Existing Marina Development
4. Parcel Map from Certified 1995 Land Use Plan.
5. Minutes of the Board of Supervisors, meeting of January 23, 2001; project No. 98-172-4.
6. County Board of Supervisors Resolution, LCPA Case No. 98-172-(4)
7. Proposed Land Use Plan Map change.
8. Proposed LUP Use and Zone changes.
9. County Board of Supervisors approved Mitigation Measures.
10. Proposed LIP Ordinance changes.
11. Proposed LIP Map changes
12. County Certificate of Changes.
13. Planning Commission Findings and Conditions, project No. 98-172-4 adopted August 30, 2000
14. County analysis of Marine Commercial designated parcels in Marina del Rey James E Hartl, Director of Planning, letters summary and justifications, County certified LCP amendment.
15. County analysis of Existing Marina del Rey visitor-Serving/Convenience Commercial and Hotel Use.
16. Excerpts from Regional Planning staff report.
17. Letter from County to Commission staff regarding Lease Information, July 16, 2001.
18. County Map showing Redevelopment Scenario for the marina.
19. Asset Management Strategy report
20. Memorandum from Stan Wisniewski, Director, and David E. Janssen, Chief Administrative Officer, Department of Beaches and Harbors, to Los Angeles County Board of Supervisors: "Authorize the Chief Administrative Officer and Director of the Department of Beaches and Harbors to enter into exclusive negotiations for lease options and lease extensions for three development projects on the East side of Marina del Rey, July 5, 2001 (East Side, Fisherman's' Village and Parcel 44 Projects).
21. Memorandum from Stan Wisniewski, Director, Department of Beaches and Harbors to Small Craft Harbor Commission: "Authorize the Chief Administrative Officer and Director of the Department of Beaches and Harbors to enter into exclusive negotiations for lease options and lease extensions for nine development projects in the Marina Beach area of Marina del Rey, July 5, 2001 (West Side "Mother's Beach" Projects). (Excerpts)
22. Summary of Landside changes approved in 1995 LCPA.

23. Excerpt from 1995 LCPA Commission Revised Findings.
24. Excerpt from 1995 LCPA Commission Revised Findings.
25. Map of Development Zones and Development Potential
26. 1995 LCPA Height Standards.
27. Excerpt from August 1999, Crain and Associates, traffic study.
28. James Noyes, Los County Director of Public Works, Request by Al Padilla Conditional Use Permit 98172, Parcel 20 13953 Panay Way, Marina del Rey, " March 26, 2001.
29. Judith A. Fries, Principal Deputy County Counsel, Memorandum: "Density Bonus Request, Conditional Use Permit No. 98-13, November 7, 2000 , (calculations of Development Units in the Panay Way Development Zone)
30. Map showing existing Marine Commercial parcels
31. Map showing Asset Management Strategy proposed land uses.

I. MOTIONS AND RESOLUTIONS

A. DENY THE AMENDMENT TO THE CERTIFIED MARINA DEL REY LAND USE PLAN AS SUBMITTED

MOTION: *I move that the Commission certify Land Use Plan Amendment MDR 01-01 as submitted by Los Angeles County.*

STAFF RECOMMENDATION TO DENY:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO DENY:

The Commission hereby denies certification of **Land Use Plan Amendment MDR-01-01** as submitted by **Los Angeles County** and adopts the findings set forth below on the grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

B. DENY THE AMENDMENT TO THE MARINA DEL REY IMPLEMENTATION PROGRAM AS SUBMITTED.

MOTION: ***I move that the Commission reject the Implementation Program Amendment MDR 01-01 to the certified Los Angeles County LCP for the Marina del Rey segment as submitted.***

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AS SUBMITTED:

The Commission hereby rejects Amendment Request No. MDR 01-01 to the Implementation Program of the **Marina del Rey segment of the Los Angeles County certified Local Coastal Program** and adopts the findings set forth below on grounds that the Implementation Program as submitted does not conform with or is inadequate to carry out the provisions of the certified Land Use Plan as certified. Certification of the Implementation Program amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program amendment as submitted

II. FINDINGS

A. PROPOSED AMENDMENT AND LCP HISTORY

The proposed amendment MDR LCP 1-01 would modify the LUP and LIP Land Use designations and maps applying to Parcel 20, which is located on Panay Way, a mole road. The proposed amendment would not change the content of the development standards of the Local Implementation Ordinance (Specific Plan), but would change the use designations that apply to Parcel 20 from Marine Commercial (essentially boating related) uses, to Residential IV “medium high density residential”. The present Waterfront Overlay Zone (WOZ) overlay, that permits hotels and boating facilities as an optional use on designated parcels and protects existing boating-support uses, would not change.

Changing the Land Use designation can affect heights. Maximum height for Marine Commercial is 45 feet, except that dry stack storage may extend to 75 feet. On Parcel 20, which is located on a mole road, additional location-specific conditions apply. The Land Use Plan and the specific plan include height incentives based on a view corridor policies and both documents include location dependent height limits. These are independent restrictions that would exist regardless of whether the LCP amendment were certified. In this case due to the location of the parcel, the height restrictions would remain in place either way. “Normal height” for any zone designation on this mole is 45 feet. Height may extend to 75 feet only if the applicant provides a 40% view corridor on the parcel. The maximum height for Residential IV is 140 feet.

The certified LCP allows a limited number of apartments in the Panay Way Development Zone. The LCP limits the total number of vehicle trips generated at build-out to the number that both the internal roads and the major roads leading to the Marina can accommodate, even with planned road widening. The LCP allocates a limited number of new peak hour vehicle trips along the ring roads-- Fiji Way, Admiralty Way and Via Marina-- by limiting the number of new trips that can be generated in fourteen Development Zones (see Exhibit No. 25) identified by the adjacent mole roads. The County LCP limits the total number of new apartments to 2,420 dwelling units to limit the total impact of Phase II⁴ Marina del Rey development to approximately 2,812 evening peak-hour trips.

The Development Zone limit for new development in the Panay Way Development Zone in the certified LUP is 250 dwelling units, 75 congregate care units, ten thousand square feet of retail and 76 additional boat slips. In May 1995, the Commission approved a development that included 75 congregate care units and 68 residential units [A-5-MDR 95-017 (Goldrich and Kest)] on Parcel 18, in the Panay Way Development Zone. This left 182 dwelling units in the Panay Way Development Zone. In December 2000, Los Angeles County approved a coastal development permit that authorized demolition of 288 residential units and construction of a 585 residential units, for a net increase of 357 residential units on Parcel 15, which is located in the Panay Way Development Zone. In that case, the County granted a 117-unit density bonus because 47 units, 10%, of the units, proposed on Parcel 15 were for very low-income tenants. In February 2001, the Commission found no Substantial Issue on an appeal of that permit [A-5-MDR-01-014(Marina Two)]. With the approval, the County allocated all the allowable residential units in the Panay Way Development Zone in which Parcel 20 is located. After all residential units in a Development Zone are claimed, the LCP permits no additional new residential units in the Development Zone.

To comply with the Marina del Rey-wide traffic caps, and at the same time approve additional new residential units within the Panay Way Development Zone, the County proposes to amend its LCP to reallocate allowable residential units from Bora Bora Way, reducing the number of residential units possible to build in the Bora Bora Way Development Zone, and increasing the number of residential units possible to build in the Panay Way Development Zone. The proposed amendment would reallocate traffic impacts (units) from the southwest end of the marina (Bora Bora Way) to Panay Way (Parcel 20), which is located in the northwestern portion of the marina. The proposed amendment would not affect the total number of trips allowed in the Marina del Rey as a whole. The amendment applies to the Land Use Plan and the certified implementation ordinance (Specific Plan).

LCP History

In 1984, the Commission approved the Marina del Rey/Ballona LUP, which established land use designations and development standards for the Summa Corporation property (which included the Ballona wetland) and for the Marina del Rey. The land uses adopted

⁴ Phase II development includes recycling, intensification, or conversion of the marina's initial existing development.

for the Marina del Rey reflected the zoning present at the time, which provided for a “bowl concept”—low rise residential and commercial development adjacent to the water, several hotel sites, and some higher intensity residential and commercial uses away from the water. In 1984, all but three parcels in the Marina had already been developed with the uses allowed in the plan. In 1987, after the City of Los Angeles annexed the Summa (Playa Vista) holdings outside the Coastal Zone (and much of the Ballona Wetlands), the Commission certified an amended version of the 1984 LUP. This amended LUP removed all references to areas that were no longer in the County’s jurisdiction, specifically Ballona (Playa Vista) Areas B and C. The 1987 LUP included no changes in land use designations applying to areas still located within the County’s jurisdiction. (The amended LUP still included a requirement that no further residential or commercial development could occur until a new road, the Marina Bypass, was extended from the end of Route 90 to Washington Blvd.)

In 1991, at the County’s request, the Commission approved segmentation of the Marina del Rey proper from the 112-acre portion of the Ballona wetlands that remained within the County’s jurisdiction (Area A). Most parcels in the Marina del Rey were already developed and the Playa Vista property was undeveloped. A settlement of a lawsuit had required the landowner of Area A to petition the County and the Coastal Commission for amendments to the LUP. The new owner had not yet requested the amendments and therefore the County had not been able to consider them. In approving segmentation, the Commission found that it could analyze development in the Marina del Rey separately from other areas within the jurisdiction of the County without direct or cumulative impacts on public access or coastal resources.

In 1991, the Commission certified a Local Implementation Plan—a zoning ordinance and a permit-issuing ordinance, consistent with the 1984-87 Land Use Plan for the Marina del Rey. The Local Implementation Plan allowed development in the Marina to proceed according the land use designations adopted in 1984 and again in 1987, and still required the completion of the Marina Bypass⁵ before any significant development could go forward.

In December 1994, the County of Los Angeles requested an amendment to the certified Local Coastal Program for the Marina del Rey segment of its Coastal Zone. On March 9, 1995, the Commission again approved segmentation of Playa Vista Area A from the Marina del Rey and agreed to consider the amendment separately from any proposed changes in the certified Land Use Plan, which again were not yet before the Commission. The proposed amendment to the LCP would apply only to the publicly owned Marina del Rey, an existing, developed 804-acre Marina.

The County’s purpose in seeking the 1994 amendment was to allow recycling of the Marina del Rey at higher intensities. Marina del Rey had been developed in the mid-sixties and early seventies with low-rise “stick-built” apartments. These apartments blocked views of and access to the water, but were intense enough, the County

⁵ The Marina Bypass was a road segment routed along the Pacific Electric Right-of-way between Lincoln Boulevard and Washington Boulevard. Its purpose was to reduce traffic levels at the intersection of Lincoln Boulevard and Washington Boulevard. Adjacent neighbors opposed it.

contended, that there was no economic incentive for lessees to redevelop and provide increased income to the County or improve public access or public views. The Local Coastal Program amendment, as eventually approved, substantially modified development standards affecting Marina del Rey. The 1994 amendment to the Marina del Rey LUP allows redevelopment at a higher intensity with a significant increase in height and density. These increased heights were granted in exchange for the establishment of 20% “view corridors” across all parcels that are located adjacent to the water. As an incentive to widen view corridors the LCP allows greater heights to developers who proposed wider view corridors.

The second major change requested in 1994, was the adoption of an alternative traffic mitigation system that did not require the development of the Marina Bypass. The previously certified LCP allowed no redevelopment with the exception of some hotels, until the Marina Bypass was completed. In effect, this was a moratorium. The City of Los Angeles had opposed the Marina Bypass and, in the intervening years, had approved residential condominiums on the proposed right-of-way. The alternative traffic mitigation was a program to limit traffic generated by Phase II development in Marina del Rey and to mitigate its impacts. The mitigation plan established internal development limits (based on evening peak-hour trip caps) allocated to the entire Marina, and then to each of the mole roads (Development Zones). Secondly, it established a total cap of 2,812 evening peak-hour trips for the Marina. Finally it required contributions by developers to mitigate the impacts of their development to traffic improvements inside the Marina and to the subregional transportation system outside the Marina proper. The LCP defined the subregional transportation system as Lincoln Boulevard and the major highways that intersected it. The total number of units authorized under the base zoning of the LCP exceeded the number of units that the traffic system could accommodate or that the traffic limits would allow, even with mitigation. The LCP explicitly included this first-come first-serve strategy to encourage re-development of the marina. Therefore, there is no guarantee that zoning of a certain density, on any given parcel, would allow development at that density. The County anticipated no “taking” issues, arguing that all lessees already had reasonable use of the leaseholds, the leases were on public property and that it would not extend leases that would result in the exceeding of the traffic limits of the plan.

On May 10, 1995, the California Coastal Commission denied the proposed amendment to the Marina del Rey LCP as submitted and adopted suggested modifications to policies and implementation ordinances regarding height, view corridors, open space, traffic limits, hotel development and other public access and natural resource issues. The Commission approved greater heights as long as view corridors were provided, and required wide, publicly accessible walkways along the bulkhead of the entire marina. On September 14, 1995, following the County’s acceptance of the suggested modifications, the revised Marina del Rey LCP was effectively certified.

After the LCP was certified, the County developed an Asset Management Strategy (AMS) for the Marina (Exhibit No. 19), which established priorities for lease extensions and redevelopment. While in many ways consistent with the LCP (for example in advocating public access, views of the water and the provision of visitor serving facilities), its main

purpose was to encourage re-investment. The AMS states that it is a proactive strategy designed to accomplish three objectives:

1. Provide a framework within which to make short term Marina del Rey leasing and development decisions so that they remain consistent with redevelopment goals when the Marina leases expire, largely between 2020 and 2030
2. Provide programs to encourage redevelopment and refurbishment while ensuring quality maintenance of leasehold facilities during remaining lease terms; and,
3. Effect a strategy for the Marina's second-generation development that better integrates recreational and commercial /residential areas, recognizing the need to establish Marina del Rey as an exciting and user-friendly attraction to both southern California residents and tourists alike.

The four elements of AMS are (1) its long-term vision for Marina del Rey; (2) catalytic development projects to draw people on a regional basis, support further leasehold development and set a standard for design quality; (3) development mechanisms to encourage leasehold redevelopment proposals consistent with its long-term vision, and lastly, (4) other mechanisms to encourage refurbishment and ensure quality maintenance of those leaseholds that will not be redeveloped during the remaining terms of their leases. (Marina del Rey Asset Management Strategy, April 15, 1997)

Several major projects advocated in the Asset Management Strategy will require LCP amendments. Redevelopment of this Marine Commercial parcel for residential use is not one of the priority "catalytic" projects identified in the Asset Management Strategy. County reports on lease negotiations note that the County's objective is to attract commercial uses that will both provide water-oriented recreational activities, "liveliness" in the Marina and increased revenue (Exhibit No.20 and 21).

The Commission has recently entered into a settlement agreement with the Coalition to Save the Marina, Inc., to conduct a periodic review of the County's LCP, pursuant to Section 30519.5 of the Coastal Act. Section 30519.5 states:

(a) The commission shall, from time to time, but at least once every five years after certification, review every certified local coastal program to determine whether such program is being effectively implemented in conformity with the policies of this division. If the commission determines that a certified local coastal program is not being carried out in conformity with any policy of this division it shall submit to the affected local government recommendations of corrective actions that should be taken. Such recommendations may include recommended amendments to the affected local government's local coastal program.

(b) Recommendations submitted pursuant to this section shall be reviewed by the affected local government and, if the recommended action is not taken, the local government shall, within one year of such submission, forward to the commission a report setting forth its reasons for not taking the recommended action. The commission shall review such report and, where appropriate, report to the Legislature and recommend

legislative action necessary to assure effective implementation of the relevant policy or policies of this division.

Commission staff has begun the process of reviewing the LCP and working with Los Angeles County staff to determine its conformance with the Chapter 3 policies of the Coastal Act. Once the review is completed, staff will report to the Commission.

B. COASTAL DEPENDENT USES/ VISITOR SERVING USES.

The Coastal Act states that uses that require the presence of water, and recreational uses shall have priority over other uses:

Section 30220

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30224

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Section 30255

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

The certified Marina del Rey LCP contains parallel language:

Policy framework for Phase II Development:

In terms of use, the first priority of the entire Marina is to maximize the public boating facilities; the second priority is to provide boating related facilities and services for the boating public and for traditional boating organizations. The water area is reserved for boating uses, and recreational activities, which require a water surface such as swimming and wind surfing. County parcels, not leased to private developers are dedicated to public uses such as dry boat storage, public boat ramps, public park areas, including a public beach, public parking, a segment of the coastal bike path, dinghy storage at the beach and view piers on the north jetty. (Certified LUP page 8-3)

Policy 8 discusses non-priority uses:

8. Coastal Housing not a Priority. Although construction of housing is not a priority use in the coastal zone, additional opportunities for coastal housing may be provided, where appropriate.

All development of coastal housing shall be contingent upon meeting all applicable policies and development standards of the certified LCP, including, but not limited to adequate parking, view corridors, public access to the shoreline, provision of new usable public recreation and open space and visitor serving recreational uses in the plan segment, provision of adequate traffic capacity and any provisions for low and moderate income and senior citizen housing subsequently certified by the California Coastal Commission. (Certified LUP page 8-9)

The proposed change to Residential IV-WOZ on Parcel 20 allows the development of 99 units of housing. Residential IV allows 45 dwelling units per acre, and requires the improvement and opening of a 28-foot wide pedestrian promenade. Because the County retained the waterfront overlay WOZ⁶, the LCP amendment protects the existing low intensity water-oriented recreational use that is on the parcel by prohibiting the displacement of the existing public recreational use or requiring relocation within the marina. The water-oriented use is a yacht club, which provides a gathering area, a bar and a meeting room for members. The LCP defines the Marine Commercial designation as indicated below:

⁶ "Waterfront Overlay Zone (**WOZ**). The Waterfront Overlay Zone is intended to provide additional flexibility for development of coastal related, and marine dependent land uses, primarily on waterfront parcels. Permitted uses include Hotel, Visitor Serving Commercial, Open space, Boat Storage, and Marine Commercial. Any applicant, with this overlay zone designation, may apply for any of the three categories of land use permitted under this category regardless of the principal permitted use on the specific parcel. **Development in the WOZ may not displace existing public recreation, visitor serving or coastal dependent boating use, although development may proceed if the use is relocated within the Marina. The development potential available to each applicant is subject to the limitations of the zone in which the parcel resides. Height limits [are] subject to the standards of each land use category noted above.** (Marina del Rey LIP 1995 Emphasis add.)

“Marine Commercial: Permitting coastal dependent uses associated with operation, sales, storage and repair of boats and marine support facilities. Uses include public boat launching (and associated launch ramp hoists), boat rentals, boating schools, dry boat storage, yacht club facilities with associated dry storage and launch hoists), marine chandleries, boat repair yards, yacht brokerages, charter boat operations, and associated ancillary retail and office uses. Height limit of 45 feet for habitable structures and up to 75 feet for public dry stack boat storage.” (Certified LUP page 8-11)

Because the WOZ will continue to apply to this parcel, these uses will continue to be permitted. In addition, the LCP (Policy No. 3, Recreational Boating) requires that presently existing boating support use be preserved or replaced in like size and function somewhere in the Marina before instituting the use that is expected to displace it.

The County asserts that because boating support uses are allowed, and the present occupants are protected in the proposed zone change, that there will be no impact on boating support facilities available in Marina del Rey to serve the boating public. County conditions on the related coastal development permit protect the yacht club and offices that exist on the site. The County based its evaluation of the change of uses on several factors. In its view, all of these factors outweighed the consideration of the “priority” use under the Coastal Act and the LCP.

1. County’s Assertions

a) Suitability of the site for visitor-serving commercial use, such as a restaurant, versus a marine-commercial use.

The County found that the moles were poor locations for commercial uses, further stating that a commercial use that is not well located, and lacking consumer visibility, will not attract large numbers of people and will not be profitable. As evidence of the unsuitability of the site for marine commercial use, the County evaluated the current use of the site as a visitor-serving use and found that such uses are not viable. According to a report that was prepared by Wald Realty Advisors, December 10, 2001, there have been 28 business failures over the past 20 years on mole roads. Businesses that have failed range from yacht clubs to restaurants. The report states that the Marina del Rey market:

has not embraced commercial uses in mole road locations, particularly typical convenience commercial retail uses, such as restaurants and retail service stores.

According to the report, there are a number of factors that contribute to business failures on Parcel 20, and other mole road commercial locations. These factors include:

Lack of Visibility- The locations are not visible to the visitor market driving around Marina del Rey, a critical element of commercial location criteria.

Lack of Passerby Traffic- This is a key to commercial locations, especially for visitor-serving commercial uses that rely more on impulse consumer behavior than do resident markets.

Lack of Critical Mass- Development of isolated small commercial nodes of activity is illogical in the context of consumer market behavior, and undoubtedly has been a contributory factor in the high rate of business failures on mole roads in Marina del Rey. Convenience of multi-outlet shopping at nearby existing and planned retail and commercial locations makes it difficult if not impossible for the isolated single outlet to survive, particularly in an inferior location.

Destination Locations- Isolated commercial locations can attract patrons if they are able to develop a strong regional market penetration because of outstanding value/price/product and become regional destination by themselves...

The report concludes that based on historical evidence of business failure, Parcel 20 is not a viable location for any visitor-serving/convenience commercial use.

The County findings state that the actual use in this location is a private club, an office, and a building supply company. These uses are not public, not high intensity, and have not resulted in high levels of revenue for the County. The County has typically used the revenue derived from a use as one indication of its popularity. However, the County is unfairly comparing a low intensity use-- marine commercial-- with standards applicable to a higher intensity use, such as a restaurant. Such an asymmetrical comparison is not a valid basis for determining the suitability of marine commercial uses in this area. Furthermore, the County argues that there are more than enough non-boating visitor serving facilities in Marina del Rey, pointing out that there are 28 operating restaurants in the Marina. It cites the number of restaurants and food stands as an indication that it has accommodated visitor-serving uses, and intends to continue this in the future. In this LCPA however, the County is not evaluating a proposal to construct a restaurant; it is evaluating the relative priority of boating support and residential uses.

According to an analysis of marine commercial land uses in Marina del Rey (*Analysis of Marine Commercial Land Use at Marina del Rey, December 7, 2001*), the marina has the highest ratio of marine commercial space to berths than any other area in Southern California. Marine commercial space in the Marina del Rey convenience market area is over 18 square feet per berth, compared to a median of less than 11 square feet per berth at all other Southern California harbors/marinas and an average of less than 14 square feet at the harbors/marinas with the highest ratios. The report concludes that:

Marina del Rey has the most well established and substantial inventory of marine commercial retail/service support businesses among all harbor/marina areas in Southern California. This is to be expected since Marina del Rey historically has served a larger boating population than most other areas and is the location of a major marine commercial support industry that is well established over many years. As a result, there is no evidence of any foreseeable need for additional marine commercial land use at Marina del Rey.

Although analysis of the existing land uses may indicate that Marina del Rey is well served by existing marine commercial uses, marine commercial and other visitor-serving commercial recreational uses still have priority over residential use, and of the Coastal Act sections cited above, only section 30221 limits its mandate to protect recreational use based on the adequacy of the current supply in relation to present and foreseeable future demand. Although a Residential-IV Waterfront Overlay Zone designation would preserve the current aggregate amount of boating-related and recreational uses, it would also allow currently available space that might otherwise be developed with additional such uses, to instead be developed with residential uses, thus limiting the amount to which the preferred uses could increase. The marina is a public boating facility and oceanfront lands should be protected to enhance public opportunities for coastal recreation, as required in Sections 30220, 30221, 30222, 30224 and 30255 of the Coastal Act.

b) Marine commercial uses are not retail visitor-serving. They are specialized uses that serve boaters, who are only one segment of the general public.

The Marina is designed to serve boaters, and facilities designed to serve them are protected under the Coastal Act (Section 30220, 30221, 30222, and 30255). In evaluating the parcel's suitability for visitor-serving commercial use, the County noted that the current yacht club does not serve the general public and if they provide recreational accommodations, they serve only members. While it is true that boating can be specialized and often an expensive sport (requiring special training and investment in or rental of expensive equipment), there is also a great number of water-based activities that are available to novices, such as boat tours, sea kayaking, etc. Thus, although many of the activities will not find a general public market, some Marine Commercial uses could potentially be operated to serve vacationers, day-visitors or the general boating public. In addition, not all of the Coastal Act sections at issue require general public access. See, e.g., Coastal Act § 30225.

c) Compatibility with adjacent residential uses.

The County further rejected the alternative of a marine commercial use as incompatible with adjacent residential development. The Commission finds that a standard of priority should be applied the other way—the Coastal Act and the LCP require that residential uses should be approved only if they are compatible with boating uses. Under the LCP, policy No. 1 of the Land use Plan states:

The primary purpose of the Land Use Plan shall be to maintain Marina del Rey as a Small Craft harbor for recreational purposes. A secondary purpose shall be to promote and provide visitor-serving facilities.

Development shall not detract from, nor interfere with the use of existing or planned boating facilities, nor the ancillary uses which support these facilities.

In support of the amendment, the County notes that marine commercial uses would be incompatible with recently County approved residential uses on parcel 20. However, the parcel directly adjacent to this parcel on the west, Parcel 21, is designated Marine

Commercial. An equal argument could be made that approving residential uses here would reduce opportunities to develop the adjacent parcel as a boat rental or boat storage facility. The issue of neighborhood compatibility is a valid argument, but not in a County owned public boating facility, when the certified LCP states that residential use is a non-priority use.

The County further argues that the parcel is not suitable for restaurant or retail use because of its location, although the parcel is adjacent to another marine commercial parcel (Parcel 21) and it is located close to the area designated for hotels (along Admiralty Way). In analyzing requests for development on the adjacent parcel (Parcel 21), the Small Craft Harbors Commission rejected a proposal to construct a dry stack boat storage facility. The reason given was that the use was not compatible with residential uses.

Even if the County does not consider a “heavy industrial “ boating use on this parcel, there may be other uses that would be supported in this location and bring people close to the water. Parcel 20 is a publicly owned marine commercial designated parcel. Its suitability for marine commercial is its location adjacent to the water. There is no question that luxury apartments could take advantage of the location next to the water, but luxury apartments are not dependent on the waterside location, and residential use is not a priority use under the Coastal Act.

2. Patterns and Percentages of Uses in the Marina del Rey

Although the Marina del Rey is a public boating facility, Marine Commercial and Boat Storage uses occupy a relatively small percentage of the land in the Marina del Rey (see Tables No. 1 and 2 below). As noted in the tables, Marine Commercial uses represent only about 9.6% of the land area of the Marina del Rey leased for private use.

In the report to the Planning Commission, County staff provided a chart that indicated that residential land use was the land use category with the greatest percentage (46.2%) of Marina del Rey land area. They also provided a correction to their Planning Commission staff report. That table addressed the issue by separating off all land except public parks and calculating the percentage of that land that was marine commercial, including the parking lots, which are operated by the County. Whichever way it is calculated, Marine Commercial occupies a very small percentage of land in the Marina.

Los Angeles County Marina del Rey
Local Coastal Program Amendment 1-01 Staff report
Page 22 of 22

Table 1. COUNTY LAND USE BASED ON REGIONAL PLANNING DEPARTMENT DATA.

<u>LAND USE</u>	TOTAL ACRES	% OF TOTAL LAND AREA	% OF TOTAL AREA
Residential (all)	154.1 ac.	46.2 %	22.0 %
Hotel	30.3 ac.	9.1 %	4.3 %
Visitor /Convenience Commercial	32.2 ac.	9.6 %	4.6%
Office	5.4 ac/	1.6 %	7.7 %
Marine Commercial	31.9 ac.	9.6 %	4.6 %
Boat Storage	18.0 ac	5.4 %	2.8 %
Parking	19.2 ac.	5.8 %	2.8 %
Public Facilities	7.2 ac.	2.2 %	1.0 %
Open Space	38.3 ac.	11.5 %	5.5 %
TOTAL LAND AREA	333.6 AC.	100 %	47.8 %
WATER AREA	364.5 ac.		52.0 %
TOTAL LAND AND WATER AREAS, not including streets	698.1		

According to the County's staff report, the tabulations in Table 1 were generated using the Regional Planning Department's computer mapping system. County staff has recalculated these figures based on County Lease Maps, see Table 2. The results are similar, although in Table 2, the County considered certain publicly owned parking lots as "leased".

Table 2. COUNTY LAND USE DISTRIBUTION BASED ON LEASE INFORMATION

LCP Land Use Designation	Landside Acreage	% of Landside Acreage	Landside Acreage after this LCPA	% of Landside Acreage after this LCPA
Marine Commercial	31.32	10.68%	29.12	9.9%
Visitor-Serving/Convenience Commercial	30.45	10.39%	30.45	10.39%
Hotel	26.51	9.04%	26.51	9.04%
Office	5.21	1.78%	5.21	1.78%
Boat Storage	19.43	6.63%	19.43	6.63%
Parking	18.03	6.15%	18.03	6.15%
Public Facilities	7.03	2.40%	7.03	2.40%
Residential (R-III, R-IV and R-V)	155.22	52.94%	157.42	53.69%
Total lease land	293.2	100%	293.2	100%

The proposed change will reduce the amount of land area designated Marine Commercial by 2.2 acres and increase the percentage of land area in the marina devoted to Residential use to approximately 47%. The Commission notes that due to the requirements of the Waterfront Overlay Zone, and of the existing waterside lease, the

County will not permit the applicant to develop the entire land area of the lot for residential use. There are 157 boat slips on the water adjacent to the site. Under the coastal development permit approved by the County, which is subject to the approval of this LCP amendment and the Commission's action on the appeal of that CDP, the applicant is required to provide parking and restrooms for the boat owners. The County approved a 35 foot high 5 level parking structure with 172 spaces, which will incorporate a yacht club and offices on the top deck⁷. To meet the County's requirement of 231 parking spaces, the applicant must devote one of the view corridors to boater and yacht club parking. All uses served by the structure, within the structure and within the boater parking lot, will be used for marine commercial purposes, that is, as approved by the County. However, the LCP amendment would allow the developer to relocate the Marine Commercial uses off-site. This will require approximately 35,760 square feet of land (about 0.8 acres) to be reserved for the existing yacht club and boater parking. Even if this land is considered, there is significant reduction in the amount of land devoted to marine commercial use in the Marina del Rey if the Commission were to approve the LCPA.

3. Need for Marine and Boating Support Uses in the Marina Del Rey.

In its search for "catalytic" projects to encourage new construction and economic growth in the Marina del Rey, the Los Angeles County Board of Supervisors has authorized its staff to negotiate with developers who propose projects on existing public parking lots, commercial boating areas, boat storage, or marine commercial facilities. Recently, the County Small Craft Harbor Commission authorized its staff to begin to negotiate with developers who propose other projects listed in Table No. 3 below. According to County staff, those projects, and a proposed four-level commercial recreation project on the public boat launch ramp are not intended to displace existing marine support uses. The County's objective is to allow developers to envision new projects that incorporate boat launching and public parking into newer commercial oriented facilities. However, if finally approved, these new facilities will (1) reduce the visibility of these existing facilities and (2) require new parking structures to serve both public and private purposes. Open parking lots will be converted to parking structures, and other uses, as is proposed here will be located on top of or under parking structures. County staff sees these proposals as an opportunity to cover up the parking lots, which consultants have seen as visual blight, as well as a way of increasing visitors to the area.

The strategy advocated by the Department of Beaches and Harbors is to locate boating support on the east side of the Marina, and residential uses and hotels on the west side. Proposals under consideration would require the relocation of mast up storage, a boating school, and parking for Mother's Beach, much of which would be located 1,200 feet away and on the other side of Admiralty Way (Lot OT). Additional considerations include, adjustment of parking schedules to accommodate existing staff parking for the Marina

⁷ The applicant is required in the coastal development permit, issued by the County, to provide 231 parking spaces including parking spaces for boat owners (118), the assembly room bar (66.3), yacht club office (2.6), and storage area (4.97). The structure accommodates 172 parking spaces. County Planning Commission required the applicant to replace the remaining 59 parking spaces on the top deck of the parking structure and in the view corridor.

Los Angeles County Marina del Rey
Local Coastal Program Amendment 1-01 Staff report
Page 24 of 24

International Hotel, the Marina City Club, and the Fantasea charters, all of whom use the parking lot located on Lot OT, as do peak holiday (Fourth of July and Christmas boat parade) visitors. There is another pending project which includes an entertainment complex to be constructed above the public boat launch ramp and boat trailer parking area. The project is proposed to be constructed 15 feet above the parking facility to avoid interference with boat masts.

Approving a change in use of this parcel before the other proposed changes come before the Commission is premature. When the Planning Commission, the Board of Supervisors, and the Coastal Commission consider these proposals, some of the “unprofitable” Marine Commercial sites, such as Parcel 20, may be suitable for the potentially displaced uses, such as “mast up” storage, boat launching ramps or boat rentals. These plan amendments and appealable developments are not yet before the Commission, so none of the decision making agencies have had a chance to review their impacts or any methods of mitigating their impacts on local day-use recreation. Secondly, at maximum, the new proposals would authorize over 800 new hotel rooms, many of which intend to market to business customers proposing to stay a few days. Hotels marketing vacation packages require activities for their guests. In considering such a major change, the Commission would need to consider the amenities available to hotel guests and any day use that would be retained for the general public visiting the area.

The following are the projects under consideration that involve conversion of Marine Commercial, Parking or recreation support uses such as public parking. Many of them, especially the construction on parking lots, will require amendments to the LCP.

Table 3. Lease Negotiation Parcels

Proposals under negotiation			
Parcel	Proposal	Current use	LCPA required
9	20 story vacation time-share	Vacant	yes
44	226 rm. hotel offices yacht clubs boat dealer restaurants hotel	Boat dealer	yes
77	Dry stack boat storage parking structure	Mast up boat storage	Yes
55,56,W Fisherman's village	144 rm. hotel ,restaurant retail	Parking retail	Yes Development unit transfer e of ng lot for hotel
GR	Marriott hotel 145 rm.	Public parking	Yes
OT	Parking for hotels	Public parking	Yes
IR	Marriott Hotel 200 rooms	Parking for Mother's beach	Yes
145	276 rm. Hotel	Hotel	no
27	Hotel	Hotel	no
100, 101	Apartments	Apartments	no
K-6	Self storage	Maintenance yard	Yes
140	Apartments	Apartments	no
95/LLS	Retail	Retail	no

With the current distribution of two boat launch facilities and one boat sales operation, it is possible that pressure will be placed on existing marine commercial designations. Although much of the marina can be saved for these purposes due to the WOZ overlay, maintaining access to the public docks during and after these changes could be difficult.

The County cites these potential projects to make a different point---that it is aggressively and proactively searching for recreational and visitor-serving uses in the Marina. Unfortunately, it appears that the County is not considering the redesignation of residential areas to recreational and visitor-serving uses.

Commission staff has just recently begun the periodic review process for the County's LCP. The assertions that a periodic review is required are accompanied by challenges to the density allowed in the current LCP, the market segment to be served by the new development, and the traffic and visual impacts of the development permitted in the certified LCP. Opponents assert that the Marina del Rey cannot accommodate the amount of density that is anticipated in the land use plan, that the balance of uses in the marina will not serve recreational visitors and/or low and moderate income visitors. Opponents further assert that the traffic generated by new uses will result in rendering the lower cost and boating uses in the marina inaccessible to the public. While the Commission rejected similar assertions in approving the amended LCP in 1995, without the full review of the County's LCP and other future development plans for the marina, it is difficult to determine what impact the change of use anticipated in this proposed amendment would have on the Commission's options in protecting marine commercial and visitor-serving zoned parcels within the marina. Reviewing the County's comprehensive future development plans for the marina through the periodic review could help in determining the need and location for marine commercial and recreational areas. Until the next generation of development has been considered and the details of accommodating displaced uses is worked out, the Commission finds that it is premature to convert 2.2 acres, 60,072⁸ sq. ft., to residential use. Therefore, the proposed LCP amendment is denied. Because the proposed changes in the Specific Plan are inconsistent with the currently certified Land Use Plan policies with respect to Coastal dependent and priority uses, the proposed changes to the Specific Plan are inconsistent with and inadequate to carry out the policies of the certified Land Use Plan.

C. TRAFFIC

Consideration of traffic impacts was a major issue in all of the Commission's actions on the Marina del Rey Land Use Plan and Implementation ordinances. The development and public access policies of the Coastal Act require the Commission to assure that the cumulative effects of development do not overload coastal access routes. Protection of transportation facilities and encouragement of alternative transportation protects the public's ability to reach the beach and other public recreation areas.

⁸ Assuming that about 35,760 sq. ft. is reserved for boater parking and the yacht club. Source: Monica Moses, applicant's architect.

Section 30252

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Marina del Rey and the roads leading to it have limited capacity for traffic. The certified LCP deals with these limits by allowing new development to create a limited number of peak hour trips. The plan allows 2,812 new evening peak hour trips. In implementing this policy, the LCP converts these trips into residential units and square feet of various uses. The LCP then imposes caps on the number of residential units, hotel rooms and commercial square footage that are allowed in the Marina del Rey as a whole, and allocates those limits among 15 Development Zones. Since Marina del Rey is zoned for units and square footage, that if all were built could exceed these limits, the Development Zone has two functions: One function is to distribute new trips along the principal collector streets-- Via Marina, Admiralty Way and Fiji Way. The second is to spread out opportunities to use the units indicated in the zoning.

Four developments have been approved in Marina del Rey since the LCPA was approved. Three conformed to these traffic limits, one did not, but the applicant in that case successfully argued that 47 low income units allowed it to exceed traffic limits under other state laws and LCP policies. The County allowed the extra units as long as the developer contributed to improvements to mitigate impacts on local streets resulting from the project.

The conversion of this parcel to residential use will not result in a significant number of additional trips in the marina. However, the certified LCP addresses both individual and cumulative impacts on the traffic system. The LCP established a limit on the number of trips that can be generated on Panay Way without significant cumulative impacts on the system. That limit has been reached. Exceeding these limits could have significant cumulative impacts on the traffic system and cumulatively on the public's ability to reach and enjoy Marina del Rey and nearby beaches.

The County's proposed amendment does not change the limits on total development in the certified LCP. To avoid significant cumulative impacts on traffic the County is suggesting an amendment to the LCP that would reallocate "development caps" from a different Development Zone (Bora Bora Development Zone) and apply these trips to the Panay Way Development Zone. The developer on Parcel 20 (Panay Way Development Zone) would use the 97 "units" that could otherwise be generated in the Bora Bora Development Zone. By reallocating development units rather than

Los Angeles County Marina del Rey
Local Coastal Program Amendment 1-01 Staff report
Page 27 of 27

exceeding traffic limits, the County asserts that it has avoided cumulative impacts on the traffic limitation program, and cumulative impacts on the traffic system would not occur.

The certified LCP anticipates the following impacts with its mitigation measures in place. Future traffic volumes on key intersections were estimated at build out.

		AM PEAK	PM PEAK
1	Via Marina & Washington Blvd.	2,835	3,358
2	Via Marina & Admiralty Way	2,542	3,289
3	Via Marina & Panay Way	2,036	2,385
4	Via Marina & Marquises Way	1,739	1,885
5	Via Marina & Tahiti Way	1,162	1,527
6	Via Marina & Bora Bora Way	850	1,103

The applicant's consultant, Crain and Associates, studied impacts at key intersections. However, the level of traffic at key intersections based on the development potential of the amendment were considerably lower than the County anticipated in calculating for levels of traffic at build-out of all development authorized in the LCP. These project-driven calculations showed that the project was a small project. However, It did not address the crucial question of whether the change in the location of trip generation would result in greater impacts to the ring roads, Via Marina and Admiralty Way, after build out, than anticipated by the LCP.

In response to staff's questions about the impact of changing the location of the principal traffic generator (the Development Zone unit counts), the County staff prepared a study of impacts of the change along Via Marina. The Bora Bora Development Zone is located at the south end of Via Marina at the southwestern corner of the Marina del Rey. Most trips generated in the Bora Bora Development Zone add to the Traffic stream on Via Marina, and then enter either Admiralty Way or Washington Boulevard in Venice. The County found that the impact of moving the traffic generator nearer Admiralty Way would not be significant. County consultants provided statistics with respect to traffic levels after the development authorized in the LCP builds out with the new configuration of development zone limits (D.Z. units):

Traffic generated at either Bora Bora Way or Panay Way would impact the intersection of the two principal ring roads, Via Marina and Admiralty Way. The County analysis shows the intersections that are south of the key intersection, Via Marina and Admiralty, will be impacted no differently by the old pattern or the new.

INTERSECTION	WITHOUT TRANSFER V/C LOS	WITH TRANSFER V/C LOS
Via Marina/ Marquesas Way	.45 A	.44 A
Via Marina/ Tahiti Way	.37 A	.37 A
Via Marina /Bora Bora Way	.37 A	.35 A

The location of the origins of the trips does not change with impacts on the key intersection at Via Marina and Admiralty Way. The County does not propose to change the outside limit on traffic generation applicable to the Marina del Rey in other LCP policies.

One issue in evaluating a change in the implementation ordinance is whether the reallocation of the development zone limits is consistent with and adequate to carry out the policies of the certified LCP. The County has provided evidence that the change in allocation is consistent with the underlying traffic cap in the Marina del Rey and is adequate to carry it out. As proposed the change in the certified land use plan with regards to traffic capacity reallocation is consistent with Sections 30210, 30211 and 30253 of the Coastal Act, however, because the proposed amendment is inconsistent with the coastal dependent and visitor-serving priority use policies of the Coastal Act discussed in the previous section, the proposed amendment is denied. Because the proposed changes in the Specific Plan are inconsistent with the currently certified Land Use Plan policies with respect to Public Access, the proposed changes to the Specific Plan are inconsistent with and inadequate to carry out the policies of the certified Land Use Plan.

D. HEIGHTS AND VISUAL QUALITY

The Coastal Act provides for protection of the scenic and visual quality of the coast.

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The County does not propose to change the height policies of the LUP or of the Marina del Rey Specific Plan as part of this amendment. Because the allowable heights applying to any use on this parcel are identical, no height difference would result from the change in Land Use designation. Both land uses must comply with view corridor standards. However, the change of use designation, does allow and encourage a more intense use of the lot. The County establishes the number of allowable units based on the size of the parcel. The County staff does not subtract the area devoted to replacement of boating support required by the WOZ overlay from the lot area when they determine the number of units permitted. The certified LUP would allow 99 units on any 2.2-acre R-IV lot, and require 200 parking spaces for residential use. There is an incentive to construct a higher building in order to maximize residential development when it is combined with marine commercial uses that have a certain amount of space on the lot reserved for them. The combination of policies that are built into the presently

certified LUP allows and encourages a more intense use of the land to achieve protection of existing water-oriented uses while allowing redevelopment. These incentives apply to any residential lot with a WOZ overlay.

The County does not propose to change view corridor policies of the Specific Plan or of the certified Land Use Plan in this amendment. In 1995, the Commission found the visual quality, height, and view protection policies of the LUP and of the Specific Plan consistent with Chapter 3 of the Coastal Act. At that time the Commission heard a number of points of view on these issues and voted to approve the increased heights and intensities. In that action, the Commission also found that the Implementation portion of the Specific Plan was consistent with and adequate to carry out the policies of the land use plan as approved in 1995. Therefore, because this proposed LCPA would not change the view corridor policies, it does not raise any issues of consistency with the visual quality policies of the Coastal Act. However, because the proposed amendment is inconsistent with the coastal dependent and visitor- serving priority use policies of the Coastal Act, the proposed amendment is denied. Furthermore, because the proposed changes in the Specific Plan are inconsistent with the currently certified Land Use Plan policies with respect to Visual Resources, the proposed changes to the Specific Plan are inconsistent with and inadequate to carry out the policies of the certified Land Use Plan.

E. PUBLIC SHORELINE ACCESS

The existing LCP has very strong public access policies, requiring a combined 20 foot fire lane and 8 foot access way open to the public along all bulkheads. This walkway is now identified as the Marina del Rey Waterfront Promenade. The certified LCP requires that leaseholders dedicate the promenade upon extension of all leases and upon the redevelopment of all parcels. This LCPA does not propose to change that standard. Therefore, this proposed LCPA does not raise any issues of consistency with the public access policies of the Coastal Act. However, because the proposed amendment is inconsistent with the coastal dependent and visitor- serving priority use policies of the Coastal Act, the proposed amendment is denied. Furthermore, because the proposed changes in the Specific Plan are inconsistent with the currently certified Land Use Plan policies with respect to Public Access, the proposed changes to the Specific Plan are inconsistent with and inadequate to carry out the policies of the certified Land Use Plan.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to the California Environmental Quality Act (CEQA) and the California Code of Regulations [Title 14, Sections 13540(f), 13542(a), 13555(b)] the Commission's review of this LCP amendment must be based in part on its consistency with CEQA Section 21080.5(d)(2)(A). That section of the Public Resources Code requires that the Commission not approve or adopt an LCP:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

Los Angeles County Marina del Rey
Local Coastal Program Amendment 1-01 Staff report
Page 30 of 30

The Commission finds that for the reasons discussed in this report, there are additional feasible alternatives or feasible mitigation measures available that could substantially reduce any adverse environmental impacts of the revised plan. The consideration of feasibility is based in part on the fact that the land is publicly owned and leaseholders pay rent as a percentage of the income of the leasehold. There is presently a valid lease for this parcel established on the value of its operation as a boating support use. Another feasible alternative is to consider this change of use along with other changes of use now under consideration to assure that public recreation and the needs to support boating in this marina are met. A second alternative is to recognize that there is a present use of this leasehold and that the present use does provide boater support uses. The Commission finds that the alternative of denial is consistent with the policies of the Coastal Act and is consistent with and adequately carries out the certified Marina del Rey LCP. The Commission further finds that the proposed LCP amendment is not consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.